

## § 101-8.725

(1) 180 calendar days elapse after the complainant files the complaint and GSA makes no finding with regard to the complaint; or

(2) GSA Issues a finding in favor of the recipient.

(b) If GSA fails to make a finding within 180 days or issues a finding in favor of the recipient, GSA must:

(1) Promptly advise the complainant of this fact;

(2) Advise the complainant of his or her right to bring civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant must give 30 calendar days notice by registered mail to the Secretary, HHS, The Administrator, the Attorney General of the United States, and the recipient;

(iv) That the notice must state the alleged violation of the Act, the relief requested, the court in which the complainant is bringing the action, and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

## § 101-8.725 Alternate funds disbursal.

If GSA withholds Federal financial assistance from a recipient under this regulation, the Administrator may disburse the assistance to an alternate recipient; any public or nonprofit private organization; or agency or State or political subdivision of the State. The Administrator requires any alternate recipient to demonstrate:

(a) The ability to comply with this regulation; and

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(b) The ability to achieve the goals of the Federal Statutes authorizing the program or activity.

## PART 101-9—FEDERAL MAIL MANAGEMENT

Sec.

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101-9.4901 [Reserved]

101-9.4902 Format for mail profile data.

AUTHORITY: Sec. 2, Pub. L. 94-575, as amended; 44 U.S.C. 2904; sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SOURCE: 59 FR 62601, Dec. 6, 1994, unless otherwise noted.

## § 101-9.000 Scope of part.

This part sets forth policy for efficient, effective, and economical management by Federal agencies of incoming, internal, and outgoing mail.

## Subpart 101-9.1—General Provisions

### § 101-9.101 Authority.

Section 2 of Public Law 94-575, the Federal Records Management Amendments of 1976 (FRMA), as amended, requires the Administrator of General Services to provide guidance and assistance to Federal agencies on records management, which includes the processing of mail by a Federal agency.